IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13076 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DIPAK @ BAIL RAMCHANDRA UTTAKAR

Versus

COMMISSIONER OF POLICE

Appearance:

MR NM KAPADIA for Petitioner

MR HH PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/01/2001

ORAL JUDGEMENT

#. The petitioner was detained under the order of the respondent No.2 as dangerous person. Challenging this order manifold contentions are raised by the learned counsel for the petitioner but as this petition deserves to be allowed only on one contention it is not necessary to give details of all the contentions, discuss and decide.

#. It is contended that the copy of the document at page No.44 of the compilation of the documents given to the detenu is not legible. The original of this document has been shown by the counsel for the petitioner to the court. This document certain extent is not legible. The learned counsel for the respondents fairly conceded that this document is not legible. Reply to the Special Civil Application is not filed by any of the respondents. The State Government has given direction to the detaining authority to give legible copy of this document to the petitioner. It is not the case of the respondents that this order of the State Government is complied with by the detaining authority. Not only this otherwise also nothing on record from the side of the respondents is produced to show that the legible copy of this document has been given to the petitioner. It is a clear case where the petitioner has been denied of his right to make effective representation against the detention order as guaranteed to him under Article 22(5) of the Constitution of India.

In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 17.2.2000 is quashed and set aside. The petitioner Dipak @Bali Ramchandra Uttakar, the detenu, at present in Central Jail, Porbandar be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. As the learned counsel for the respondents fairly conceded the position, no order as to costs.

(S.K.Keshote, J.)

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